

Clerk's Office Year in Review

2010



United States District Court
Western District of Michigan

Paul L. Maloney, Chief Judge
Tracey Cordes, Clerk of Court



A Message from the Chief Judge...

Dear Friends and Colleagues,

With the release of this report, I again congratulate my judicial colleagues and staff on another year of outstanding accomplishments. We know intuitively that we work hard but, this year, the numbers bear witness.

In FY 2010, the Western District of Michigan ranked number one in the Sixth Circuit per judge in total filings, civil filings, weighted filings, terminations, time to disposition in criminal felony and civil cases, and in a handful of other categories. Everyone in our system—judges, staff, probation officers, attorneys and other business partners—were indispensable in our achievements.

Our district continues an aggressive effort to reduce recidivism of supervised releaseses through the use of evidenced-based practices. ACE programs in Berrien County, Kalamazoo, and Grand Rapids give extra attention to high risk offenders and we are seeing results. Excellent pretrial services and presentence reports continue to be provided by a dedicated staff.

I invite you now to read on. The following pages offer details about how our judges have become leaders in the judiciary. You will understand the pride I take in serving this Court and in working among those who are uncompromising in demonstrating excellence to the citizens of the Western District of Michigan.

PAUL L. MALONEY

CHIEF UNITED STATES DISTRICT JUDGE





A Message from the Clerk...

Greetings:

By this report, my staff and I again take the opportunity to report to you—our “customers”—our progress in offering the very best service to users of court services. This year, we have focused on 1) workflow processes in order to maximize efficiency; 2) upgrades and innovations in technology, including CM/ECF, to maintain the best possible tools for end users; and 3) good old-fashioned employee development so as to ensure a happy, healthy and well-trained workforce. Successes in these areas are directly attributable to our professional work force, our hard-working bench, and our community partners who reflect each day a true understanding of what it means to be a “system.”

I welcome you to review these pages and to join us in admiring the work we have done. At the same time, however, we invite your thoughts about how to further innovate and how to better capture efficiencies. After all, the best ideas are not always our own.

Tracey Cordes
Clerk of Court





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Court History

(as adapted from the Sixth Circuit Court of Appeals website)

Congress created the District Court of Michigan with the Act of July 1, 1836.¹ At the time, Michigan was one Judicial District and the court was to hold two sessions at the seat of the government which was then in Detroit. The Act of February 24, 1863,² divided Michigan into two districts with Grand Rapids designated as the judicial center of the Western District and Detroit as the center for the Eastern District. In 1878, the Western District of Michigan was divided into two divisions, Southern and Northern. Grand Rapids was designated the court seat of the Southern Division and Marquette for the Northern Division.³ The term of court for the Southern Division of the Western District was held at Grand Rapids until 1954 when court was authorized to be held in Kalamazoo and Mason.⁴ It was not until 1961, that a session of court was authorized to be held in the state capital, Lansing,⁵ at which time the term in Mason was eliminated.

Who Appointed the Western District of Michigan Article III Judges? (listed chronologically)

<u>Judge</u>	<u>Appointing President</u>
Solomon L. Withey	Abraham Lincoln
Henry F. Severens	Grover Cleveland
George P. Wanty	William McKinley
Loyal E. Knappen	Theodore Roosevelt
Arthur C. Denison	William Howard Taft
Clarence W. Sessions	William Howard Taft
Fred M. Raymond	Calvin Coolidge
Raymond W. Starr	Harry S. Truman
W. Wallace Kent	Dwight D. Eisenhower
Noel P. Fox	John F. Kennedy
Albert J. Engel, Jr.	Richard M. Nixon
Wendell A. Miles	Richard M. Nixon

¹ 5 Stat. 62.

² Act of February 24, 1863, 12 Stat. 660.

³ Act of June 19, 1878, 20 Stat. 177.

⁴ Act of February 10, 1954, 68 Stat. 11.

⁵ Act of May 19, 1961, 75 Stat. 81.



Judge

Douglas W. Hillman
Benjamin F. Gibson
Richard Alan Enslen
Robert Holmes Bell
David W. McKeague
Gordon J. Quist
Paul L. Maloney
Robert J. Jonker
Janet T. Neff

Appointing President

Jimmy Carter
Jimmy Carter
Jimmy Carter
Ronald Reagan
George H.W. Bush
George H.W. Bush
George W. Bush
George W. Bush
George W. Bush

**Western District of Michigan
Succession of Article III Judges**

First Seat

Solomon L. Withey
Henry Franklin Severens
George Proctor Wanty
Loyal Edwin Knappen
Arthur Carter Denison
Clarence William Sessions ¹

Second Seat

Fred Morton Raymond
Raymond Wesley Starr
Noel P. Fox
Richard Alan Enslen
Paul L. Maloney

Third Seat

W. Wallace Kent
Albert J. Engel, Jr.
Wendell A. Miles
Robert Holmes Bell

Fourth Seat

Benjamin F. Gibson ²

Fifth Seat

Douglas W. Hillman
David W. McKeague
Janet T. Neff

Sixth Seat

Gordon J. Quist
Robert J. Jonker

¹ Clarence W. Sessions' death on April 1, 1931, created the first vacancy following the expiration of the temporary judgeship authorized by the act of February 17, 1925, 43 Stat. 949, and accordingly no successor was appointed.

² Benjamin F. Gibson's retirement on January 31, 1999, created the first vacancy following the expiration of the temporary judgeship authorized by the act of December 1, 1990, 104 Stat. 5089, and accordingly no successor was appointed.



Western District of Michigan Magistrate Judges

<u>Magistrate Judge</u>	<u>Dates of Service</u>	<u>Location</u>
Stephen W. Karr	July 20, 1971 - December 31, 1987 ¹	Grand Rapids
Lloyd R. Fayling	July 26, 1971 - November 8, 1982	Kalamazoo
John R. Weber	March 13, 1972 - January 10, 1988	Marquette
Stuart D. Hubbell	June 13, 1972 - October 23, 1973 January 30, 1974 - July 31, 1979	Grand Rapids
Hugh W. Brenneman, Jr.	April 1, 1980 - present	Grand Rapids
Doyle A. Rowland	July 23, 1984 - February 29, 2000 ²	Kalamazoo
Timothy P. Greeley	January 11, 1988 - present ³	Marquette
Joseph G. Scoville	January 28, 1988 - present	Grand Rapids
Ellen S. Carmody	October 10, 2000 - present	Grand Rapids

Grand Rapids Federal Courthouses



1879 - 1909



1909 - 1973



1973 - present

¹ Stephen W. Karr served as part-time magistrate judge until October 1, 1973, when he started as full-time magistrate judge.

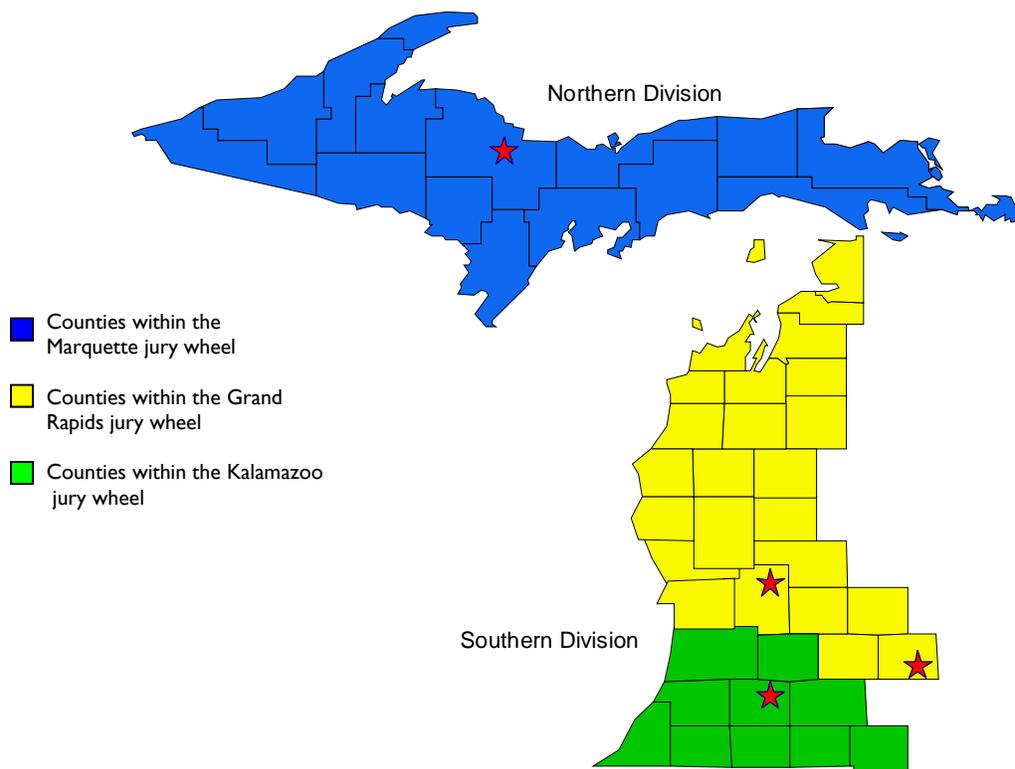
² Doyle A. Rowland served as part-time magistrate judge until January 15, 1985, when he started as full-time magistrate judge.

³ Timothy P. Greeley served as part-time magistrate judge until December 20, 1989, when he started as full-time magistrate judge.



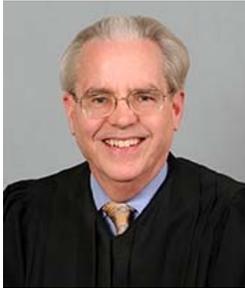
The United States District Court for the Western District of Michigan

The U.S. District Court for the Western District of Michigan is one of two federal district courts in the state of Michigan. The district includes the entire Upper Peninsula and the western half of the Lower Peninsula, covering over 35,000 square miles. The district is divided into two divisions, the Northern Division and the Southern Division. There are 49 counties in the Western District — 15 counties in the Northern Division and 34 counties in the Southern Division. The Court's main office is in Grand Rapids and there are divisional offices in Marquette, Kalamazoo and Lansing.





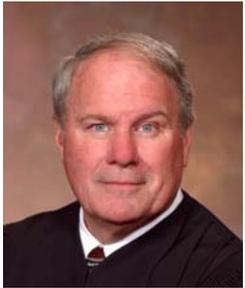
Judicial Officers & Staff



Chief Judge Paul L. Maloney

Chief Judge: July 18, 2008 - present

Judicial Assistant: Alice Baker
Case Manager: Amy Redmond
Law Clerks: Rod Phares; John Brendel
Court Reporter: Kathleen Thomas



Judge Robert Holmes Bell

Chief Judge: June 1, 2001 - July 17, 2008

Judicial Assistant: Kim Briggs
Case Manager: Sue Bourque
Law Clerks: Julie Clough; Todd Broberg / Successor: Adam Benitez
Court Reporter: Kevin Gaugier



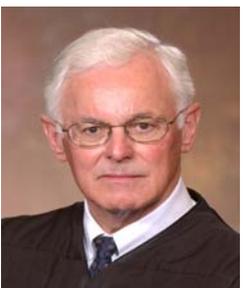
Judge Robert J. Jonker

Judicial Assistant: Yvonne Carpenter
Case Manager: Melva Ludge
Law Clerks: Margaret Khayat Bratt; Jeanne Long / Successor: Anne Venhuizen
Court Reporter: Glenda Trexler



Judge Janet T. Neff

Judicial Assistant: Chris Bockheim
Case Manager: Susan Smith
Law Clerks: Kathleen Geiger; Rita Buitendorp
Court Reporter: Kathy Anderson



Judge Gordon J. Quist

Senior Status: January 1, 2006 - present

Judicial Assistant: Jane Tepper
Law Clerks: Phil Henderson; Neil Marchand / Successor: Michelle Quigley



Judicial Officers & Staff (continued)



Judge R. Allan Edgar

Senior Status and Designated to WDMI: October 7, 2005 - present

Judicial Assistant: Cathy Moore



Magistrate Judge Hugh W. Brenneman, Jr.

Judicial Assistant: Faith Webb

Law Clerk: James Dion

Courtroom Deputy: Diane Kettner / Successor: Lindsey Alley



Magistrate Judge Timothy P. Greeley

Judicial Assistant: Cathy LeBoeuf

Law Clerk: Rodney Kurzawa

Courtroom Deputy: Pam Chant



Magistrate Judge Joseph G. Scoville

Judicial Assistant: Marge Hetherington

Law Clerk: Christopher Williams

Courtroom Deputy: Diane Hand

Staff Attorneys:

Anne Bartish

Lisa DeFerrari

Catherine Halverson

Kristin Vandenberg

Claire Whitman



Magistrate Judge Ellen S. Carmody

Judicial Assistant: Cynthia Hosner

Law Clerk: Russ Ambrose

Courtroom Deputy: Julie Lenon



Clerk's Office Staff

Grand Rapids



The Gerald R. Ford Federal Building
Grand Rapids, MI

Information Technology:

IT Manager - *Deloy Johnson*
Assistant IT Manager - *Kim Greer*
Assistant IT Manager - *Mitch Van Dyke*
IT Help Desk Specialist - *Amy Jensen*
IT Specialist - *Tom La*
IT Specialist - *Bill Simaz*
IT Specialist - *Sue Tanner*
IT Specialist - *Ed Van Portfliet*

Administration:

Clerk of Court - *Tracey Cordes*
Chief Deputy Clerk - *Kim Foster*
Administrative Analyst - *Michelle Rush*
Administrative Secretary - *Kathy Devlin*
CM/ECF Administrator - *Kelly Van Dyke*
Jury Administrator - *Diane Hopkins*
Personnel Specialist - *Melanie Vugteveen*

Finance & Procurement:

Financial Administrator - *Mike Polkowski*
Procurement & Financial Specialist -
Katie Campbell
Procurement Clerk - *Nicki Gleeson*
Financial Technician - *Melissa Spriggs*

Operations:

Operations Manager - *Michelle Benham*
Asst. Operations Supervisor - *Kristi Taylor*
ADR Case Administrator - *Mary Clapp*
Case Administrator - *Ellen Copple*
Case Administrator - *Gloria Frayer*
Case Administrator - *Martha Strong*
Case Opening Clerk - *Carleen Rather*
Data Quality Analyst - *Matt Allen*
Data Quality Analyst - *Cindy Idema*
Data Quality Analyst - *Kathy Wright*
Generalist Clerk - *Lauren Packard*
Generalist Clerk - *Rick Wolters*
Operations Support Clerk - *Angie Doezema*
Pro Se Support Clerk - *Rick Wolters*



Marquette



Federal Building
Marquette, MI

Resident Deputy-in-Charge - *Carole Poggi*
Case Administrator - *Sandy Kivela*
Case Administrator - *Cathy Moore*

Kalamazoo



Federal Building
Kalamazoo, MI

Resident Deputy-in-Charge - *DeWinda Webb*
Case Administrator - *Barb Dowdle*
Case Administrator - *Melanie Greer*

Lansing



Charles E. Chamberlain Federal Building
Lansing, MI

Resident Deputy-in-Charge - *Linda Dack*
Case Administrator - *Jodi Gerona*
Case Administrator - *Paula Woods*



Judicial Service Beyond the District

Chief Judge Maloney is a member of the Sixth Circuit Judicial Council. He also sat by designation as a visiting judge at the Sixth Circuit Court of Appeals in October 2010. Additionally, Chief Judge Maloney hosted visiting Judge Robert Ray, a US Administrative Law Judge, a luncheon with Supreme Court Justice Samuel Alito, and another luncheon with the US Sentencing Commission. Judge Maloney also participated in many local and federal conferences and committees.



Judge Bell completed a third year on the Criminal Law Committee of the Judicial Conference

and was appointed by Chief Justice Roberts to a three year term as Chair of the Criminal Law Committee commencing October 1, 2010. As part of his responsibilities as Chair, he has traveled to Washington, D.C. on several occasions regarding budget issues relating to probation and pretrial services and other business of the committee. Also in October, Judge Bell was invited by the Ministry of Justice to speak at an International Criminal Law Symposium in Seoul, Korea. During March and December 2010, Judge Bell served as a visiting judge at the Sixth Circuit Court of Appeals.



Judge Jonker sat by designation as a visiting judge at the Sixth Circuit Court of Appeals during August 2010. He also visited Serbia in February, 2010, at the invitation of the US



Department of State. Judge Jonker was the judicial representative of the State Department delegation that presented four days of programs throughout Serbia on the development and practice of plea bargaining in the United States. The program is part of a broad effort to assist Serbia in developing institutions and practices that will promote economic development, political stability and a culture that respects the rule of law.



2010; the Eleventh Circuit Court of Appeals in Miami, Florida, during April 2010; and the Sixth Circuit Court of Appeals in Cincinnati, Ohio, during December 2010. Judge Quist continues to work with Russian Judges and the United States Russia Foundation regarding judicial ethics.



Judge Quist sat by designation as a visiting judge in the following locations: District of Arizona in Tucson during February and August





CM/ECF

Social Security Cases

Significant changes related to Social Security appeal cases took place in 2010. Local rule amendments allowed for the electronic filing of administrative proceedings transcripts, which are usually quite voluminous. This process also allows the judges and their staff to review the transcript electronically, with capabilities to search, highlight and annotate the text. This new process has been well received and has produced tremendous savings in both time and paper.

In early September, local rule amendments also set out that all newly-filed Social Security cases would be assigned to a magistrate judge as the presiding judicial officer at the time of filing. The parties are then given an opportunity to consent to proceed before the magistrate judge or, alternatively, request the case be assigned to a district judge. The documents associated with this new process are generated electronically by CM/ECF, which has also proven to be more efficient for judicial staff members.

E-filing for Probation

As a result of a new probation department process, yet another opportunity to reduce paper was initiated. Probation officers can now e-file proposed orders regarding destruction of seized property, as well as a certificate of destruction once the process is complete. This new process has resulted in time-saving efficiencies as well as a reduction in paper handling.

Sealed Documents

A potential death penalty case pending before Judge Neff produced numerous sealed paper documents. Keeping track of the documents became difficult, and the docket report, with careful cryptic entries, did not offer much help. In April, the Clerk's office worked with Judge Neff's chambers to set up CM/ECF, on an experimental basis, to maintain those sealed documents electronically in that case. Additionally, Judge Neff later entered an order allowing the attorneys to file documents electronically and under seal in that case. In the fall, functionality to file documents *ex parte* in the case was added, however opportunity to use the functionality had not yet presented itself by year's end.

The experimentation of attorneys e-filing sealed documents in Judge Neff's case gave us a good foundation to build upon in preparation for ending the year with the Clerk's office scanning, uploading and maintaining all sealed documents in CM/ECF. This was an interim step before allowing attorneys to e-file sealed documents themselves. This approach allowed us to gain some experience and to uncover any unforeseen problems before attorneys start this new practice in early 2011. The Committee for Oversight of Electronic Content Management/Filing recommended, and the judges approved, amendments to the local rules to implement both the sealed and *ex parte* functionality court-wide beginning in 2011.

System Upgrades

Throughout the spring, staff focused on preparation for upgrades to CM/ECF. New hardware to house CM/ECF was delivered, which



first required a software upgrade. The Committee for Oversight of Electronic Content Management/Filing recommended taking on two software upgrades in one, to bring us to the latest-available software, as well as to allow the Sixth Circuit to employ new desirable features. New features included an attorney admissions report, a case management report, a new user interface for case opening, docketing and editing, an RSS data feed, a redaction message for attorneys which requires acknowledgment at login, streamlined main document and attachment upload, document and attachment numbering consistent everywhere they appear, record pagination, and modification to the e-mail information screen.

Before the dust settled on the software upgrades, the hardware upgrade took place in mid-July. Although the upgrades were a significant undertaking, the process went very smoothly. The Sixth Circuit Court of Appeals underwent a corresponding software upgrade to their CM/ECF system, and began work to coordinate with the district courts to set up some new features, including pagination of the entire district court record, a seamless log in, and remote printing.

Locally, we have been using functionality since 2006 that allows CM/ECF to create documents from user input. For reasons unknown, this functionality is not yet utilized by many courts in the country. The upgrade during the summer of 2010 included improvements to the functionality, which facilitated expansion of its use for us locally. After the upgrade, all notices of hearing and all orders on motions were set up to offer the option to “auto-magically” create the document. As part of the electronic

filing process, the user is prompted for information specific to the filing, and at the end of the transaction a pdf document is created by CM/ECF. The feature is commonly used for short orders on administrative-type motions (extending time, page limits, etc.). Utilizing this feature replaces the multiple steps of creating a word processing document, publishing to pdf, and loading the pdf document into CM/ECF to file it. Feedback from chambers staff has been very positive and utilizing this feature saves a significant amount of time and adds efficiencies for chambers staff.

Information Sharing and Innovations

In early August, Kim Foster, Kelly Van Dyke, Michelle Benham and Linda Dack attended the CM/ECF Operational Practices Forum in the Washington, D.C. area. The forum provides an opportunity for courts to share information, best practices, innovations, and to discuss issues. Attendance at the forum in 2010 exceeded 600 participants. A significant focus of the forum this year was the Next Generation of CM/ECF, which is estimated to start rolling out to the courts in three years.

A demonstration/brainstorming session was held in early November with staff from the chambers of Judge Neff, Judge Bell, Judge Jonker and Magistrate Judge Scoville regarding the Case Management Report (CMR) and Task List, new functions available in the latest release of CM/ECF. The CMR offers chambers ways to manage work flow without paper, including electronic sticky notes, and through the associated Task List, which offers an electronic means for judges to indicate that an order is ready for filing by designated staff. The Task



List also provides an electronic file tickler system, that is a means of tracking chambers activity, and allows upload and storage of different file types. While maintained within CM/ECF, all of these items are only accessible by members of the particular judge's chambers. The brainstorming session was well-received by chambers staff. At the close of the calendar year, Judge Neff's chambers was fully utilizing this functionality.

Finance

The Consolidated Finance & Procurement Unit supports the administrative functions of the court and Probation office in the following areas:

- Fund Management & Control
- Accounts Payable
- Accounts Receivable
- Internal Controls & Accounting Procedures
- Procurement and Inventory Management

Fund Management & Control

Under the oversight of the Clerk, the finance unit is charged with administering the district court's budget on a day-to-day basis. To accomplish this, the court unit's budgetary requirements are determined and a spending plan is defined. Spending is monitored to ensure obligations and expenditures conform to our spending plan, do not exceed our authorized amount, and follow applicable guidelines, rules and regulations. Fund management in 2010 included positioning the Court, to the extent possible, for significant budget cuts expected in upcoming fiscal years.

Accounts Payable

During the past year, the unit processed payable disbursements for the following five court entities: U.S. District Court, U.S. Bankruptcy Court, U.S. Probation & Pretrial Services Office, Office of the Federal Public Defender and U.S. Court of Appeals (travel-related only). The total payable disbursements in calendar year 2010 rose to 10,640 from 10,441 in 2009, an overall increase of 1.9 percent. The table below is an analysis of payments specific to each agency.

Payments by Court Entity

<i>Court Unit</i>	<i>2010</i>	<i>%</i>	<i>2009</i>
Bankruptcy Court	940	8.8%	957
District Court	7895	74.2%	7654
Probation/ Pretrial Services Office	1260	11.8%	1269
Federal Public Defender	545	5.1%	561
Total	10,640		10,441

We are seeing a steady incremental growth in the number of payments processed annually. The number of payments increased approximately 34 percent between calendar years 2006 and 2010.

Within the district court, payments are divided into the following four categories:

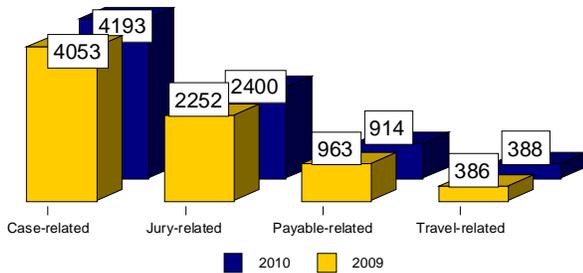
- Case-related: consists of disbursements to restitution victims in criminal cases,



refunds to correctional facilities as a result of the overpayment of Prison Litigation Reform Act (PLRA)-related civil or appeal case filing fees by inmates in state or federal custody, or other civil/criminal financial activities.

- Jury-related: comprises payments to all grand and petit jurors.
- Payables-related: incorporates all payments revolving around routine court business (i.e., equipment maintenance, telephone/cellular services, office supplies, etc.).
- Travel-related: encompasses all payments to chambers and Clerk’s office staff involving travel.

Payment Categories—District Court



Accounts Receivable

The unit processes collections for all court units, with the exception of the bankruptcy court. Overall, calendar year 2010 transactions increased approximately 7½ percent from the prior year.

Collections are processed in various ways, depending on the transaction type and payment method. General collections, which encompass our normal, day-to-day transactions, include civil and appeal filing fees, copy fees or miscellaneous fees, and are received over the

counter or through the mail. Other case-related transactions are processed using a number of Treasury-directed initiatives.

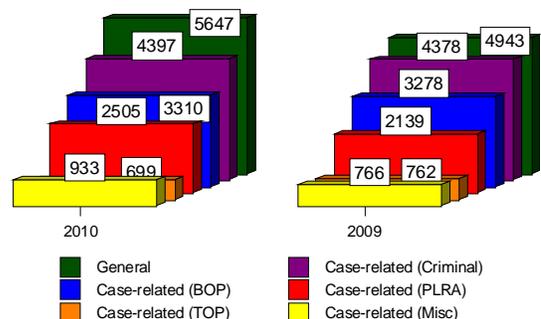
Collection Type	2009	%	2010	%
General	4,943	30.4%	5,648	32.3%
Case Related	11,323	69.6%	11,843	67.7%
Total	16,226		17,491	

The majority of collections in 2010 were case-related in nature, while other general collections made up the balance.

Within the district, collections are divided into the following categories:

- General - Statutory collections, i.e., filing fees
- Case Related (Criminal) - Criminal debt collections received via mail/over counter
- Case Related (BOP) - Criminal debt collections received via the Bureau of Prisons
- Case Related (PLRA) - Prisoner Litigation Reform Act collections
- Case Related (TOP) - Criminal debt collections received via Treasury Offset Program
- Case Related (Misc) - Misc collections, i.e., attorney admission

Collections by Category





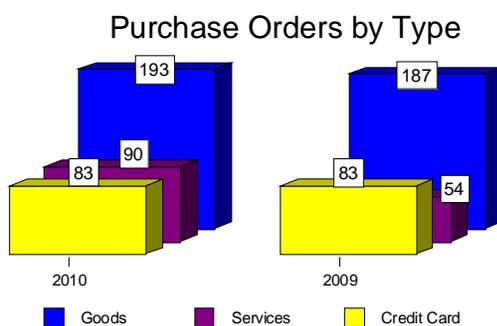
Internal Controls & Accounting Procedures

Again in 2010, our office contracted the services of a local, independent auditing firm to assess the financial processes utilized by the Court. Recommended changes were minimal and have been implemented and documented in our financial internal control procedures manual.

Additionally, recognizing the experience and expertise of our Financial Administrator, another District Court requested assistance in performing their annual internal review in 2010. In the spirit of mutual consideration, our Financial Administrator traveled to that court and completed their annual review. This proved to be a highly successful sharing of resources.

Procurement and Inventory Management

Procurement staff are responsible for day-to-day purchases for all divisional offices of the District Court and Probation. This includes the purchase of office supplies, equipment, furniture, and the maintenance of same. Generally, purchases fluctuate from year-to-year based on funding availability and on-going space and facilities projects. During calendar year 2010, procurement staff processed 366 purchase orders, which was a 13 percent increase from the prior year total of 324.



Continuing Education

As part of overall professional development, finance staff members took advantage of a number of training opportunities offered throughout the year. This included training in the following areas:

- Statement of Differences (SOD) - March 2010
- **FAS⁴T** New User - March 2010
- Interpreter Services Coordinators - July 2010
- **FAS⁴T** General Ledger/New Year Initialization - August 2010
- Budget Fundamentals workshop - October 2010

Finance staff also developed a reference guide for the general public that covers basic case-related financial information, such as criminal debt, cash appearance bonds, and case inquiry contacts.

Efficiency Initiatives

The Western District of Michigan served as a pilot court in implementing the Paper Check Conversion Over the Counter (PCC OTC) project, which is one of the U.S. Treasury's newest initiatives. This system facilitates deposits by converting manual paper check receipting into electronic fund transfers for deposit into a designated Federal Reserve Bank. This project started in January 2010 and we met our "go-live" date of June 2010.

Shortly after the implementation of this project, our district began the second phase of the project and served as a pilot court for the implementation of TGA.net. This project enables the court to report over-the-counter cash transactions to Treasury in a secure, web-based system. This project began in August



2010, with a scheduled “go-live” date of February 2011.

In the relatively near future, Treasury’s Financial Management Services (FMS) branch will roll out a new consolidated system called OTCnet. This system will integrate the functionality of the PCC OTC and TGAnet systems into one application. Although we have only been using these systems for a relatively short period of time, we have already experienced some of the benefits of these new processes, including a reduction in workload by removing paper from the process, enhanced reporting, and better access to information.

Jury

Again in 2010, jurors expressed high satisfaction with staff service and courtesy (97%) and with their service as a whole. A handful of new initiatives in 2010 have contributed to this satisfaction.

eJuror

The eJuror program enables prospective jurors to complete and submit their initial juror qualification questionnaire and juror information, if subsequently summoned, via the internet. Once registered, jurors can update their information, check their status, request an excuse or deferment, and obtain reporting instructions on-line. When prospective jurors are able to enter their own information directly into the system, the information entered is more complete and accurate. The program also reduces the amount of paper our jury department has to handle and process, resulting in cost and time savings.

Approximately nine percent of prospective jurors who received qualification questionnaires utilized the eJuror system. Over eighteen percent of the qualified prospective jurors responded to their summons using eJuror. As this system only recently came on-line, we expect use of the tool to increase over time.

Advanced Judicial Information System (AJIS)

In 2010, the Court prioritized the acquisition of a telephone interactive voice response system for the jury department. The Advanced Judicial Information System (AJIS) will improve our jury notifications and provide service information that is customized to each individual juror. For example, the system will allow us to generate automated reminder calls to jurors about their reporting dates, and will allow us to post scheduling changes on short notice. A team comprised of IT staff, the Jury Administrator, and other administrative staff, oversaw the local development and integration into the Western District of Michigan jury process. During November 2010, a kickoff teleconference launched the process, with the installation set for completion in early 2011.

eJuror/Juror Management System (JMS) Working Group

The Director of the Federal Judiciary Administrative Office appointed Jury Administrator, Diane Hopkins, to serve on the national eJuror/Juror Management System (JMS) Working Group for a two year term through June 2012. Members of this group provide advice, guidance and assistance to the Administrative Office relating to eJuror and JMS issues.



The group met for the first time in November 2010. During a two and a half day meeting the group reviewed 273 JMS modification requests. The accepted modifications will be implemented into the JMS system in a future release to the courts.

In addition to the modification requests, the group is reviewing replacement options for the current qualification questionnaire scanners. These scanners, now 10 years old, are fast becoming obsolete. New scanners will have the capability and accuracy of optical mark recognition and document imaging.

Juror Debriefing Services

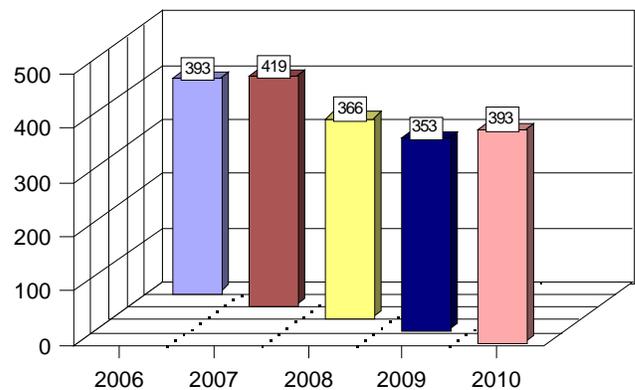
Jury service can sometimes be very stressful because of the disturbing evidence jurors see and hear in certain cases. In 2010, Judge Neff led a workgroup to explore options for the Court to assist jurors in dealing with this stress. The workgroup, comprised of representatives of the Court, the US Attorney's Office, and the Federal Public Defender, identified a range of tools including juror "debriefing" and written materials for distribution.

Under the guidance of an expert, the debriefing process offers jurors an opportunity to verbalize their reactions to disturbing evidence. The written materials provide information about stress responses and offer recommendations regarding self care. Both tools help jurors to identify their reactions, such as sleeplessness or agitation, to identify the probable cause of their responses (e.g. disturbing pictures), and to begin to work through the responses in deliberate, healthy ways. Our early experiences with this process have been well received.

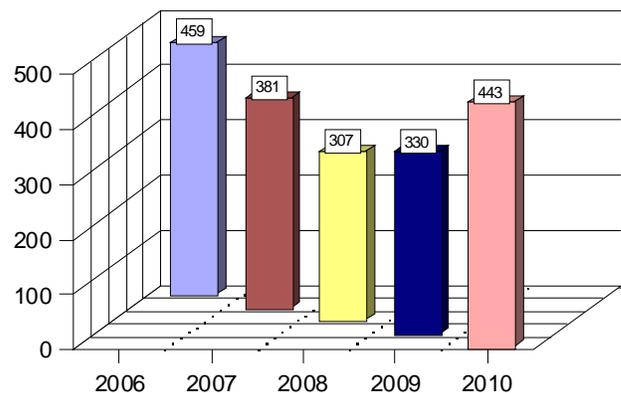
Jury Statistics

In 2010, the Court had 1,260 petit jurors present for selection in 34 trials. This marked a significant decrease from the 2,191 petit jurors summoned in 2009. Of those present for selection, 393 were selected and sat as jurors and 443 were challenged and excused.

Jurors Selected



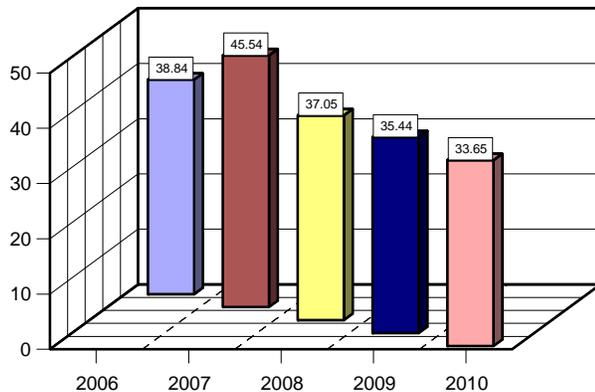
Jurors Challenged





Through careful management by our judges, the rate of jurors who are called to our Court for service but who are not ultimately impaneled has steadily decreased from 45.54 percent in 2007 to 33.65 percent in 2010.

Jurors Unused



A total of 1,826 grand jurors convened in 2010 for 595 hours of service over 97 days. Three of the six grand juries completed their term of service during 2010 and were discharged.

Information Technology

Over the course of 2010, the Information and Technology (IT) department supported the Court and the Probation/Pretrial Office in all areas of technology. Information and Technology touches all aspects of court business in the Western District of Michigan and 2010 was no exception.

Courtroom Technology

The use of courtroom technology continues to develop as a mission critical application. During 2010 the courtrooms with existing technology were maintained and enhanced and the remaining courtrooms in Grand Rapids were

fully implemented. In October, the courtrooms of Judges Jonker and Neff received the full complement of courtroom technology to support evidence presentation, assisted listening, court interpreting and remote participation using video and telephone conferencing. At the end of 2010 only the Marquette courtroom remained in need of significant courtroom technology, and that work will be completed in 2011.

Technology Upgrades

Another vital piece of the technology infrastructure is the telephone system. Early in 2010 the telephone services in Marquette were replaced with a new system. This system is in alignment with those installed over the years in Grand Rapids, Kalamazoo and Lansing and completes the final phase of telephone system transitions. Future enhancements to the telecommunication systems in the district will include complete interconnection of the individual systems which will allow for seamless communication across locations, in addition to further economies of scale in costs and support.

Mission critical is an understatement when describing the court's Case Management and Electronic Case Filing system (CM/ECF). During 2010 new hardware was received and installed and major software upgrades were implemented. Our department continues to support CM/ECF technology needs and functionality.

Training & Continuing Education

During 2010, the IT staff took advantage of many continuing education opportunities to ensure that all remain on the cutting edge in identifying new technology and fully supporting



existing systems. Examples of training topics include:

- CM/ECF Programming
- Train the Trainer
- Implementation of Storage Area Network (SAN) equipment
- Adobe Captivate and Adobe Designer Forms
- Technology Overview for Court Unit Executives
- Computer Security

Operations

Advancements in 2010

- *Management Review*

In January, the Clerk invited an out-of-district team to our Court to assess workload distribution and overall operational functions of the Operations Department, including intake, docketing and docket activity report (DAR) review, data quality, attorney admissions, naturalization, Alternative Dispute Resolution (ADR) and the Central Violations Bureau (CVB). The team was on site from April 19-28, 2010.

The team members surveyed and interviewed all Clerk's Office staff. In the fall, we received a report that identified 64 recommendations regarding the Clerk's Office designed to increase efficiency in operations, jury management, human resources, and CVB case processing. In response to the report, several internal committees were formed to review the recommendations and to determine which made sense for our Court. Implementation of the recommendations is ongoing.

- *Wiki Introduction*

Throughout 2010, staff members worked to input years of meeting minutes into a newly created wiki site. This will allow us to create and edit pages of information and organize them by content, and have them searchable by topic. This was a major undertaking involving a large amount of information, but is proving to be an excellent "one-stop shopping" resource for staff. We plan to move written policies and procedures to the wiki site in 2011.

- *Second Tier Review Program Implementation*

In May 2010, the Operations unit established new performance standards for the second tier review process. Staff set the bar high, requiring of themselves data entry accuracy of 94 percent.

In order to monitor themselves, Operations staff members researched and created a helpful tool to assist in the collection of accuracy statistics. Data quality staff input accuracy data into the tool and then supervisors can quickly retrieve the data for monitoring team accuracy and work quality using various report features. Overall, staff achieved an impressive accuracy rate of approximately 98 percent in 2010.

- *Staff Attendance at Court Proceedings*

In the Spring, staff members began rotations designed to allow them to observe court proceedings. One of the goals of the policy is to give staff members an opportunity to see the role their work plays in the overall court process. Since implementation, Grand Rapids Operations staff have attended almost 2,000 minutes of various court proceedings. Staff members have had many positive comments regarding this new policy and find it very helpful for a



better understanding of the entire court process.

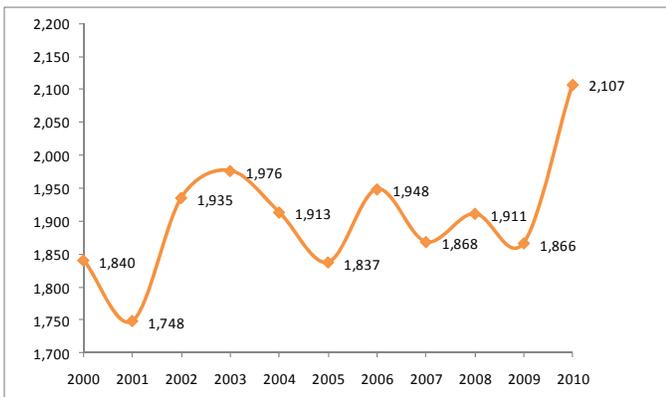
- Training Programs

In 2010, we were able to use some of the programs previously developed by our Data Quality Analysts for training two new Case Administrators. We also continued to focus on developing on-going training resources for staff, including the creation of a new intake procedures manual. Additionally, we began utilizing WebEx for meetings and training in order to provide staff a visual presentation of content. This tool combines desktop sharing through a web browser with phone conferencing and video, so everyone sees the same thing while one talks. Web conferencing allows us to connect with anyone, anywhere, in “real time.”

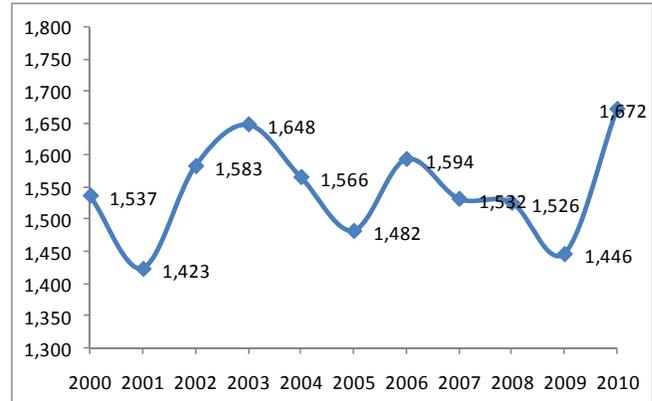
Case Filing Statistics

Each month, our Court is responsible for submitting case filing statistics to the Administrative Office in Washington, D.C. In 2010, parties filed 2,107 civil and criminal cases in the Western District of Michigan, an eleven percent increase overall from 2009, and the highest number in a decade, as shown in the following chart. Civil cases increased most sharply (14%), while criminal cases increased more modestly (3%).

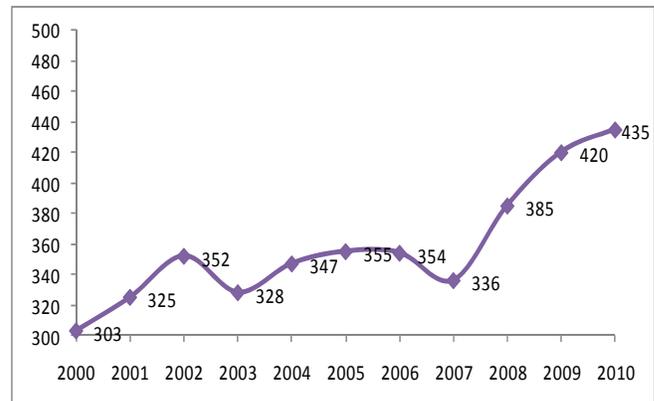
Total Case Filings



Civil Case Filings



Criminal Case Filings



Special Programs

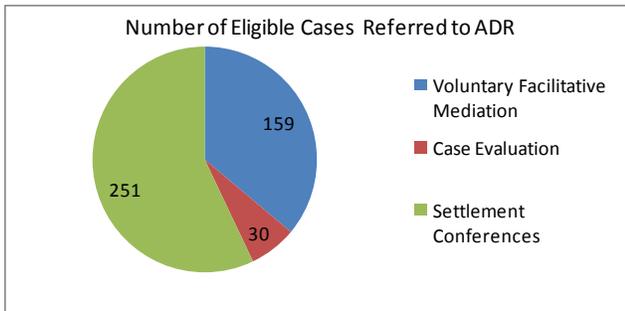
- Alternative Dispute Resolution (ADR)

The Judges of the Western District of Michigan offer six alternative methods for resolving disputes, including Voluntary Facilitative Mediation (VFM), Case Evaluation, Early Neutral Evaluation (ENE), Court-Annexed Arbitration, Summary Jury and Bench Trials, and Settlement Conferences.

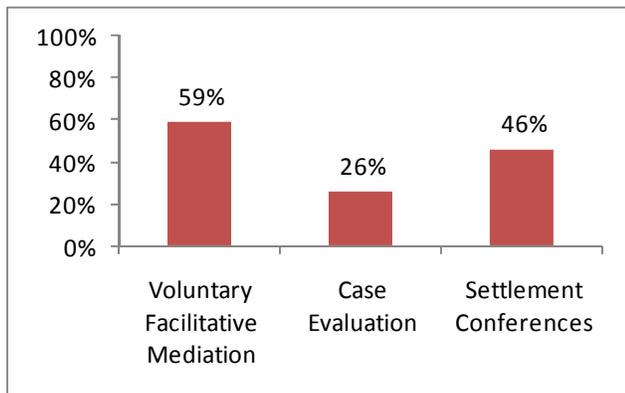
Of the 1,672 civil case filings in 2010, 974 cases were eligible for referral to some form of



ADR.¹ Of the eligible cases, 45 percent were referred:² 159 cases to VFM, 30 to Case Evaluation and 251 to a Settlement Conference, as shown in the following chart.



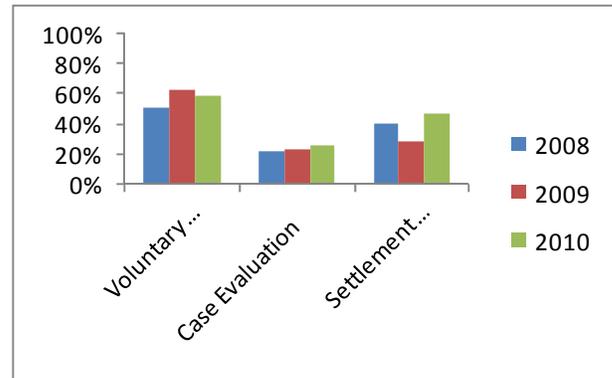
In 2010, 59 percent of cases completing Voluntary Facilitative Mediation settled; 26 percent of cases completing Case Evaluation settled; and 46 percent of cases completing a Settlement Conference settled. There was also one case that was referred to Early Neutral Evaluation in a prior year, that settled in 2010.



Following is a three-year comparison of the settlement percentages for cases completing the three most common forms of ADR.

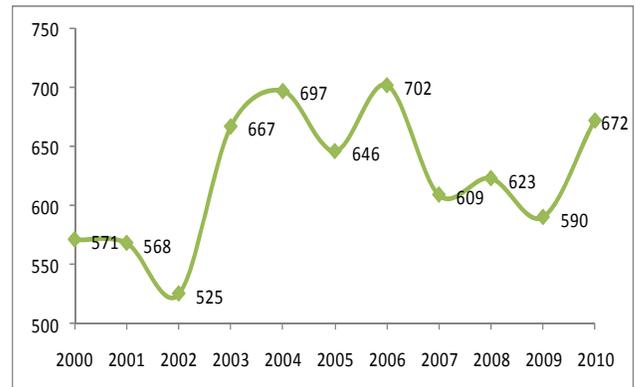
¹ Cases that are exempt from a scheduling/planning order are ineligible for referral to ADR (e.g., § 2255 motions, habeas corpus petitions, prisoner civil rights cases, prisoner petitions, social security appeals, student loan actions and bankruptcy appeals). Refer to Local Civil Rule 16.1(g).

² Parties must consent to referral to ADR, therefore not all cases are referred to some form of ADR.



• Attorney Admissions

During 2010, 672 attorneys were admitted to practice in the Western District of Michigan. As of the end of the year, a total of 20,581 attorneys have been admitted since the Court was created in 1863. Numbers of admissions can vary significantly from year to year.



• Naturalization

In 2010, our judges presided over 26 naturalization ceremonies in which 1,759 new citizens from 132 countries were represented, including:



Afghanistan	East Germany	Kosovo	Singapore
Albania	Ecuador	Kyrgyzstan	Slovakia
Algeria	Egypt	Laos	Somalia
Argentina	El Salvador	Latvia	South Africa
Armenia	Eritrea	Lebanon	South Korea
Australia	Ethiopia	Liberia	Spain
Austria	Finland	Lithuania	Sri Lanka
Bahamas	France	Macedonia	St. Lucia
Bangladesh	Georgia	Malawi	Sudan
Barbados	Germany	Malaysia	Sweden
Belarus	Ghana	Mali	Switzerland
Belgium	Greece	Malta	Syria
Belize	Guatemala	Mauritius	Taiwan
Bermuda	Guyana	Mexico	Tanzania
Bosnia-Herzegovina	Haiti	Morocco	Thailand
Brazil	Honduras	Nepal	Togo
Bulgaria	Hong Kong	Netherlands	Trinidad & Tobago
Burkina Faso	Hungary	New Zealand	Tunisia
Burma	India	Nicaragua	Turkey
Burundi	Indonesia	Niger	Uganda
Canada	Iran	Nigeria	Ukraine
Cambodia	Iraq	Pakistan	United Kingdom
Cameroon	Ireland	Palestine	Uruguay
China	Israel	Panama	USSR
Columbia	Italy	Peru	Uzbekistan
Congo	Ivory Coast	Philippines	Venezuela
Congo-Kinshasa	Jamaica	Poland	Vietnam
Costa Rica	Japan	Romania	Yemen
Cote D'Ivoire	Jordan	Russia	Yugoslavia
Croatia	Kampuchea	Rwanda	Zaire
Cuba	Kazakhstan	Senegal	Zambia
Czechoslovakia	Kenya	Serbia & Montenegro	Zimbabwe
Dominican Republic	Korea	Sierra Leone	





- Central Violations Bureau (CVB)

The Central Violations Bureau is tasked with processing violation notices (tickets) issued and payments received for petty offenses committed on federal property.

In the Spring of 2010, a team from the Central Violations Bureau in San Antonio came to our court to assess our program processes. The team made several recommendations to further enhance the program. In all, significantly improved resources and communication between Judges' Chambers, the U.S. Attorney's office, the Clerk's office, the Central Violations Bureau, and the public has led to a more efficient CVB program.

Our staff has been instrumental in transitioning the Clerk's office from a paper-driven record keeping process, to an electronic process by developing a unique database, specially tailored to the work. The database enables us to access and cross-reference important defendant information (i.e., disposition codes, tickets, warrants, payment information, motions, orders, docket sheets, correspondence, etc.) from 2007 to the present. Additionally, the Court has streamlined and further clarified the use of the petty offense docket sheet and judgment order that is now used on the date of the hearing to account for activity at that appearance. The standard Notice to Appear, which is issued to defendants by the CVB, also underwent a change to more clearly explain to defendants what they can expect when they come to our court to meet with prosecutors for the

first time. This clarification has helped to alleviate uncertainty and confusion by defendants on the date of the hearing.

PERSONNEL

The United States District Court for the Western District of Michigan ended 2010 with a total of 77 staff - 70 full-time positions and 7 part-time positions. These staff supported four Article III Judges, one full-time and one part-time Senior Judge, four Magistrate Judges, and the Clerk of Court.

Performance Management

As a result of the efforts of several Clerk's office staff members, a major performance management project came to fruition in 2010. Staff members reviewed the performance standards for each Clerk's office position and revised the performance review tool, making it more user-friendly. In addition, staff created the Court Compensation and Performance Management Plan, which spells out the policy and procedures for planning, monitoring, developing, appraising and rewarding employee performance. The new performance review tool and the Court Compensation and Performance Management Plan went into effect on October 11, 2010.

Training Highlights

Training is one of the most important investments we can make in our employees. Toward that end, the Court provided many training and development opportunities for employees in 2010, including those spon-



sored by the Administrative Office, the Federal Judicial Center (FJC) and the Judicial Online University (JOU). For example:

- A. Performance Management. In an effort to help Clerk's office staff fully benefit from the new performance management system, we provided training to both supervisors and staff. Topics for supervisors included strategies to help ensure the consistent application of performance standards, holding coaching and counseling conversations, and conducting effective progress reviews and performance appraisals. In their training, non-supervisory staff learned what they could do to fully participate in the process so as to make their own performance review as meaningful as possible.
- B. Critical Incident Response Team (CIRT). The court's Critical Incident Response Team (CIRT) hosted a special Critical Incident Stress Management training on suicide, entitled, "Suicide: Prevention, Intervention and Postvention." The court was fortunate to have the session facilitation by Mark Maggio from the Federal Judicial Center and Chairman of the International Critical Incident Stress Foundation, Inc. Along with our CIRT team, participants included employees from the Eastern District of Michigan District Court, Eastern District of Michigan Probation, Eastern District of Michigan Marshal's Office, Northern District of Texas Probation Office and Puerto Rico Probation Office.
- C. Behavior Styles. Developing the ability to work effectively with other people is a skill critical for success in today's workplace.

As such, all Clerk's office staff participated in training on the different behavior styles. Staff had the opportunity to not only learn their own individual behavior style, but also learn the focus, strengths and blind spots of the other basic behavior styles. Staff were encouraged to identify and value the contributions each style naturally makes.

- D. Law Clerks. The Court conducted the annual Law Clerk Orientation in Grand Rapids for new term law clerks, interns and volunteers again in 2010. During this half-day session, new law clerks received presentations on court technology, the library, ethics, personnel, and the role of the pro se law clerks.
- E. Sexual Harassment. Our Personnel Specialist arranged for sexual harassment awareness refresher training to be held in Marquette and Grand Rapids during November for all Clerk's office staff. Judges and chambers staff were also invited to attend. The training was very beneficial in helping staff to define and identify sexual harassment and offered tips on prevention and incident reporting. The training supported our desire to provide a safe and healthy work environment for all staff.

Volunteers/Interns

The court is open to qualified individuals seeking internships as part of their educational program and/or to work with the Clerk's office or chambers on a volunteer basis. During the year, 19 interns volunteered in the judges' chambers and Clerk's offices offering valuable assistance.



Space and Facilities

The final work to resolve the acoustics issues in the Kalamazoo courtroom was completed in 2010. This work included the installation of acoustical wall panels and a new ceiling, which complemented the quieter HVAC fan replacement that occurred in 2009. The end result has been a much improved courtroom that is functional and pleasing to the eye.

Courtroom technology is always a focus for the Western District of Michigan. The installation of full audio and video systems for the two remaining courtrooms in Grand Rapids, Courtrooms 401 and 699, was completed in 2010. The Court also completed infrastructure design and funded construction for the installation of a similar system in Marquette. This is expected to be installed and functional by Spring 2011.

The Court also funded design and construction work to relocate the Kalamazoo Clerk's office and jury assembly space from its current basement location to vacant space on the first floor. This project will slightly expand the Clerk's Office square footage and allow for easier access by the public. The project is jointly funded from local funds and the Sixth Circuit. Construction is expected to begin in mid-2011, and occupancy is targeted for 2012.

The Court completed much-needed renovations to the Marquette jury room in 2010. The existing room was enlarged to accommodate over 50 jurors. Improvements included the addition of two large windows, as well as new floor and wall coverings and an improved galley area. These upgrades create a more comfortable space for jurors serving our Court, while

also offering a desirable space for meetings, conferences and other gatherings.

2010 Court Highlights

Twenty-Ninth Annual Hillman Advocacy Program -January 20-22, 2010

The Hillman Advocacy Program marked its 29th anniversary in 2010. Scheduled to occur every year during the third week of January, this learn-by-doing workshop utilizes trial skills training techniques patterned after those used at the National Institute of Trial Advocacy (NITA) in Boulder, Colorado, with the appreciably added benefit of being conducted in the federal district courthouse. Many believe the Hillman Advocacy Program is one of the best trial advocacy programs in the country due in large part to the fact that instruction occurs in the courtroom with the assistance and support of the federal judges and magistrates.

Sponsored jointly by the United States District Court for the Western District of Michigan and the Western District of Michigan Chapter of the Federal Bar Association (FBA), the Hillman Advocacy Program gave 62 young lawyers an opportunity to practice and improve their trial skills. They benefited from the wisdom and experience of the faculty, comprised of a rotating roster of West Michigan's top courtroom lawyers, all of whom volunteered their time.

Given a case scenario, students hone themes, conduct direct and cross-examinations of live witnesses (also comprised of talented volunteers including lawyers, paralegals, and court staff), deliver a closing argument, and practice impeaching witnesses and introducing exhibits.



Advanced students participate in an all-day mock trial in front of a live jury, and are able to watch deliberations by way of a video feed into the jury room.

The FBA gave sixteen scholarships in 2010 to young lawyers who were in public service or otherwise unable to pay the entry fee. Law firms and corporate contributors also generously underwrote this worthwhile program.

In addition to the workshop, students participated in a "Lunch with the Judges," where a district, magistrate, and/or state circuit court judge was assigned to each class of students. Over lunch in the judges' chambers or jury room, the students had an opportunity to converse with the judges on an informal basis. Year after year, students and judges alike mark this lunch as one of the highlights of the program.

Faculty demonstrations this year included direct and cross-examinations by Molly McManus and Ray Kent, with Gary Mitchell as the witness. Robert VanderLaan served as moderator and Chief Judge Paul L. Maloney served as the Presiding Judge. Closing arguments were performed by Kellee Koncki and Ron DeWaard, with Robert VanderLaan serving as the moderator and Judge Robert Jonker serving as the Presiding Judge.

Communications expert Brian Johnson spoke at the opening of the Program. His practical tips and strategies on how to effectively communicate with a jury were universally well received by everyone and immediately enhanced the student demonstrations.

Roosevelt Thomas served as Chairperson of the Hillman Advocacy Program Steering Com-

mittee. Brenda Scudder and Kristen Bryant served as Program Co-Coordiators.

Historical Society

Under the leadership of President John Logie, the Historical Society pursued its dual goals of gathering and disseminating history related to the federal court in Western Michigan. The Society continues to collect the oral history of federal judges, attorneys, and court personnel, and has undertaken a preservation program to enhance its collection of portraits of past judges and to collect historic documents. The Society also videotapes various speakers at federal court-related functions. Persons interested in providing an oral history or interviewing others are invited to contact the Society.

The Society's journal, *The Stereoscope*, continued in 2010, under the editorship of Patrick Mears. Recent issues included a feature article about the 1922 Bridgman Raid in Berrien County, near Lake Michigan, which resulted in litigation involving the nascent American Communist movement that reached all the way to the Supreme Court, as well as a collection of letters to the editor regarding past stories. Articles are always welcome.

Senior Judge Wendell A. Miles continued to write a history of the court. The Society also participated with the Gerald R. Ford Museum in preparing a permanent display commemorating the renaming of the courthouse after the former president.

The annual meeting this past year was hosted in conjunction with the Western District of Michigan Chapter of the Federal Bar Association, at the Amway Grand Plaza Hotel in Grand Rapids.



Federal Bar Association Reception for Law Firm Summer Associates and Interns

In association with the Court, the West Michigan Federal Bar Association held the annual Reception for Law Firm Summer Associates and Interns on July 22nd. At the reception, the attendees were given a tour of the courthouse and the Judges and the Clerk of Court addressed the group regarding the mechanics of the Federal Court.

Good Works

- *Holiday Giving by the Grand Rapids Courthouse*

In December, many employees from the court came together to provide Christmas gifts to families identified through D.A. Blodgett-St. John's Christmas Match program. After such an incredible response from staff last year, we were able to provide numerous gifts to two larger families, which included a total of eleven children. Donations included winter gear, grocery gift cards, laundry supplies, toys, and other needed household items. Staff members really look forward to this time of year and all involved enjoyed helping to create memorable holidays for others in need.



- *Federal Day of Caring*

February 15, 2010, President's Day, was designated as the Federal Day of Caring. This was a

one-day event designed to build a sense of community among participating Federal colleagues, while providing a much needed service to the community.

This year, the Federal Day of Caring allowed our employees to show their appreciation towards our local veterans. Those participating volunteered their time at our local Veteran's Retirement Home to assist the vets with playing bingo, handing out gifts and serving refreshments.



- *Combined Federal Campaign (CFC)*

The Combined Federal Campaign (CFC) is the world's largest and most successful annual workplace charity campaign. In the fall, the Marquette and Grand Rapids Clerk's Offices participated and collectively raised over \$21,000 to aid local, national and international agencies.

- *Leave Share Program*

The Leave Share Program allows staff to donate annual leave to other court staff across the country who risk financial hardship because of absences due to illness or injury. In 2010, the generosity of Clerk's office and chambers staff was demonstrated by the donation of 119 hours of annual leave to recipients across the country.



Special Recognition

Each year we make a point to offer special recognition to those who join our Court family and those who have achieved landmarks in their length of service to the Court. Finally, we offer special good-byes to those who begin down other paths in their journeys.

Appointments

Melanie Greer - Kalamazoo Case Administrator (KZ)

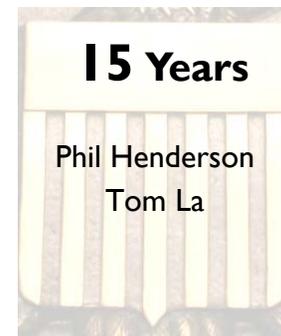
Retirements

Diane Kettner - 28 years

Carleen Rather - 24 years

Service Awards

Each year, employees who have served the Court and/or other federal agencies for five years or more, are recognized with a certificate or pin. In 2010, the following employees were recognized:





The Chief Judge and the Clerk of Court express their appreciation to the individuals who contributed to the 2010 Year in Review, with particular gratitude to Michelle Rush who does so much of the “heavy lifting” necessary to complete this Review.

